

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA,

v.

06-CR-385-E

FRANKIE JOHNSON,
a/k/a FRANKLIN JOHNSON,

Defendant.

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE, that upon the sealed Affidavit filed herewith, the undersigned will move this Court on the 18TH day of May, 2007, at 1:00 p.m., at Part III, United States Courthouse, Buffalo, New York, for a downward departure from the Sentencing Guidelines Range otherwise applicable to the defendant in order to reflect her substantial assistance in the investigation and prosecution of other persons who have committed offenses pursuant to Title 18 United States Code Section 3553 (e) and Sentencing Guidelines Section 5K1.1 and for the annexed Affidavit to be sealed.

DATED: Buffalo, New York, May 14, 2007.

Respectfully submitted,
TERRANCE P. FLYNN
United States Attorney

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TO: Michael Steurmer, Esq.
David W. Ball-U.S. Probation Officer

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06-CR-385-E

FRANKLIN JOHNSON,

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Defendant.

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that on May 15, 2007, I electronically filed the foregoing **NOTICE OF MOTION**, with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case.

Michael Steurmer, Esq.

David W. Ball-U.S. Probation Officer

S/MADELINE C. MARRONE